

Municipal Clerk  
Atlanta, Georgia

**A RESOLUTION**

**BY: COUNCIL MEMBER ANNE FAUVER**

**A RESOLUTION AUTHORIZING THE BUREAU OF PLANNING TO RECOGNIZE, A LOT LOCATED AT 1408 N. MORNINGSIDE DRIVE AS A NONCONFORMING LOT OF RECORD DUE TO THE RELIANCE OF THE PROPERTY OWNERS ON A BUILDING PERMIT\$ THAT ALLOWED THE CONSTRUCTION AND OCCUPANCY OF A SINGLE FAMILY HOUSE.**

**WHEREAS**, there a small number of building permits have been issued in the past for construction of a single family house on lots that did not conform to the Zoning Ordinance or the official City cadastral maps at the time the permits were issued; and

**WHEREAS**, the City issued the building permits and the former and current applicant and/or property owners relied on such permits to construct and occupy those residences and have been paying property taxes; and

**WHEREAS**, a single family house now exists on a lot located at 1408 Morningside Drive which the City is unable to recognize because the lot does not currently conform to the regulations of the Zoning Ordinance; and

**WHEREAS**, as a result of this situation the City is unable to issue building permits for repairs, alterations or redevelopment of the house located on this lot; and

**WHEREAS**, it is in the public interest that this lot be recognized as a nonconforming lot of record so that the present owners of the house are allowed to repair, make alterations, or redevelop it as needed or desired within the confines of the law.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA,**

**Section 1:** That the Bureau of Planning is authorized to recognize a lot of record addressed as 1408 N. Morningside Drive, N.E. and as indicated by the attached legal description as a nonconforming lot of record.

**Section 2:** This authorization applies only if all information submitted to the City and substantially relied upon in issuing the permits was true and correct and that the applicant did not engage in deceptive or illegal conduct in obtaining the building permits.

**Section 3:** Provided further that this Resolution shall apply only to the property located at 1408 N. Morningside Drive, N.E.

**Section 4:** No future reconfiguration of 1408 N. Morningside Drive, N.E. or any lots adjoining shall be permitted except in full compliance with the City of Atlanta Zoning Code.

**Exhibit "A"**

**File Number: BH104-08-0338-R**

All that tract or parcel of land lying and being in Land Lot 2 of the 17th District of Fulton County, Georgia, being known as part of Lot 17 of Harper and Weathers Realty Company Property, as more fully shown on plat of survey prepared for Jonathan Paton-Smith by McClung Surveying Services, Inc., RLS No. 2846, dated February 5, 2008, and being more particularly described as follows:

BEGINNING at a nail found on the southwesterly right-of-way of North Morningside Drive (70-foot right-of-way) 800.00 feet northwesterly from the intersection of the southwesterly right-of-way of North Morningside Drive and the northwesterly right-of-way of North Highland Avenue, as measured along the southwesterly right-of-way of North Morningside Drive; running thence South 59 degrees 17 minutes 10 seconds West along the line dividing Lots 16 and 17 of Harper and Weathers Realty Company Property 240.99 feet to an open top found; thence North 38 degrees 16 minutes 23 seconds West 44.80 feet to an open top found; thence North 58 degrees 17 minutes 35 seconds East 246.49 feet to a rebar found on the southwesterly right-of-way of North Morningside Drive; thence South 31 degrees 13 minutes 08 seconds East along the southwesterly right-of-way of North Morningside Drive 48.68 feet to a nail found and the POINT OF BEGINNING; being known as 1408 North Morningside Drive, according to the present system of numbering property in the City of Atlanta, Fulton County, Georgia.

Being the same property conveyed by Deed Under Power of Sale recorded in Deed Book 44857, page 359, and by Warranty Deeds recorded in Deed Book 43618, page 20, Deed Book 42101, page 375 and Deed Book 29635, page 562, aforesaid records.